

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Ebony P.,

Civil No. 17-3844 (DWF/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Nancy A. Berryhill,  
Acting Commissioner of Social Security,

Defendant.

This matter is before the Court upon Plaintiff Ebony P.’s (“Plaintiff”) objections (Doc. No. 32) to Magistrate Judge Steven E. Rau’s October 18, 2018 Report and Recommendation (Doc. No. 29) insofar as it recommends that: (1) Plaintiff’s Motion for Summary Judgment be denied; (2) the Acting Commissioner of Social Security’s Motion for Summary Judgment be granted; and (3) this case be dismissed. Defendant filed a response to Plaintiff’s objection on November 1, 2018. (Doc. No. 33.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff’s objections. In the Report and Recommendation, the Magistrate Judge determined that none of Plaintiff’s arguments warrant remand to the Social Security Administration and that the ALJ’s decision to deny disability insurance benefits is supported by substantial evidence in the record. The Magistrate Judge noted

that, regardless of whether the Court would have reached a different conclusion, the Court may not reweigh the evidence.

Plaintiff objects to the Magistrate Judge's Report and Recommendation, arguing that the substantial evidence on the record as a whole demonstrates that she is disabled. More specifically, Plaintiff argues that the ALJ focused only on portions of the record that support the conclusion about non-disability and that those portions are not in alignment with substantial evidence on the record as a whole. Defendant asserts that the ALJ properly concluded that Plaintiff was not disabled after fairly reviewing the entire record, and that the Magistrate Judge properly concluded that substantial evidence supports that determination.

The Court concludes that Plaintiff's motion for summary judgment should be denied and Defendants' motion for summary judgment should be granted. Specifically, the Court agrees with the Magistrate Judge's findings and analysis concerning the review of the ALJ's decision that Plaintiff was not disabled. The Court agrees that the ALJ's decision that Plaintiff was not disabled as defined by the Social Security Administration was supported by substantial evidence in the record. The Court acknowledges that Plaintiff's medical history is complex and voluminous and that Plaintiff has pointed to portions of the record that may detract from the ALJ's determination. However, this evidence does not negate the substantial evidence that supports the ALJ's decision. *See, e.g., Fentress v. Berryhill*, 854 F.3d 1016, 1021 (8th Cir. 2017).

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

**ORDER**

1. Plaintiff Ebony P.'s objections (Doc. No. [32]) to Magistrate Judge Steven E. Rau's October 18, 2018 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Steven E. Rau's October 18, 2018 Report and Recommendation (Doc. No. [29]) is **ADOPTED**.

3. Plaintiff Ebony P.'s Motion for Summary Judgment (Doc. No. [21]) is **DENIED**.

4. The Acting Commissioner of Social Security's Motion for Summary Judgment (Doc. No. [23]) is **GRANTED**.

5. This case is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: February 12, 2019

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge